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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,079	11/19/2003	Kevin F. Wesling	RS151	1078
23470	7590	11/22/2005		
SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622				
EXAMINER YEAGLEY, DANIEL S				
ART UNIT		PAPER NUMBER		
3611				

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/707,079

Applicant(s)

WESLING ET AL.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) 41-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/04, 4/27/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of species F, drawn to figure 19 and readable on claims 1 through 40 in the reply filed on 4/21/05 is acknowledged. The traversal is on the ground(s) that claims 1 and 29 as amended are now generic. This is not found persuasive because; even though the restriction requirement between one invention may have been satisfied by the amendment of claims 29 and 70, the election of to only one species among the numerous species submitted still remains a valid restriction. The requirement is still deemed proper and is therefore made FINAL.

2. Claims 41 – 82 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/21/05.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

4. Claim 17 is objected to because of the following informalities: the term “*the* valve stem” lack proper antecedent basis. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 6, 9 – 26 29 – 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen '407.

Chen shows a suspension system (figure 1) comprising a lockout mechanism having a valve mechanism and a valve actuating assembly (stop member 30, figure 2) and includes a resilient member 35 disposed between the valve mechanism and a valve mechanism housing (fork leg, figure 2), such that the valve mechanism is slidably mounted along the housing and separates a first fluid chamber (C) from a second fluid chamber (B) that controls fluid flow therebetween, wherein the valve actuating assembly 30 operably switching the valve mechanism between an open and a closed position which blocks fluid flow between the first and second fluid chambers (column 3), wherein the resilient member is configured to be deformable by the valve mechanism as the valve mechanism is slidably displaced by an increasing pressure in the first fluid chamber which biases the valve mechanism in a direction toward the closed position; as best understood, such that the sliding valve mechanism is configured to collide against the valve actuating assembly (stop member and a driver 33, 34); when a blow-off pressure is reached in the first fluid chamber which switching the valve mechanism from the closed position to an open position, wherein the valve mechanism further comprises a valve seat

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36 and a valve 342, wherein the valve is displaceable relative to the valve seat and switchable between an open and closed position to block fluid flow between the first and second fluid chambers, such that the valve is positionable against the valve seat in the closed position, and displaceable with respect to the valve seat by an increasing pressure in the first fluid chamber when a blow-off pressure is reached in the first fluid chamber, such that the resilient member disposed between the valve seat and the housing is deformable by the valve mechanism as the valve mechanism is slidably displaced by an increasing pressure in the first fluid chamber, wherein a seal is disposed between the valve mechanism and valve seat and the valve mechanism housing, wherein the valve seat, resilient member and the seal 361 are formed integrally; as best understood, wherein the valve mechanism housing forms a portion of a first hollow tube 21 with a compression piston assembly (at numeral 28) which is slidably mounted in the first hollow tube and displaceable relative thereto to increase the pressure in the first fluid chamber, such that the valve mechanism housing forms a portion of the compression piston assembly, and includes a second hollow tube 22 in fluid communication with the first hollow tube, wherein the valve mechanism housing forms a portion of the second hollow tube, wherein the valve actuating assembly is operably mounted to and displaceable relative to the valve mechanism housing and further comprises an actuator comprising a knob 31 connected to the actuator and operable by a rider; and a cam 314 operatively engaging a follower 341 which is operatively connected to the driver 34, wherein a valve stem (shoulder portion of valve) which is configured to collide against the driver.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 8, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen '407 in view of Wohlfarth '435.

Chen as stated above disclosed a suspension system having a valve comprising a valve head and valve stem configured to be adjusted against a valve seat in a closed position, such that the valve stem of the valve is configured to collide against the valve actuating assembly when the blow-off pressure is reached in the first fluid chamber, but failed to disclose a valve spring associated with the valve stem to bias the valve head against the valve seat in a closed position.

Wohlfarth discloses a suspension system comprising a lockout mechanism, a resilient member disposed between a valve mechanism and a valve mechanism housing, the valve mechanism separating a first fluid chamber from a second fluid chamber, wherein the valve actuating assembly operably switching the valve mechanism between an open and a closed position, wherein the resilient member is configured to be deformable by the valve mechanism being slidably displaced by an increasing pressure in the first fluid chamber which biases the valve mechanism, wherein the valve mechanism further comprises a valve seat 5 and a valve 10, such that the valve is displaceable relative to the valve seat, such that the valve is positionable against the valve seat in the closed position and displaceable with respect to the

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valve seat by an increasing pressure in the first fluid chamber when a blow-off pressure is reached in the first fluid chamber, and which further discloses the feature of utilizing a valve spring configured to bias the valve against the valve seat in the closed position (figure 1).

Note equivalent U.S. reference 6,651,788, column 1-2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the valve mechanism of Chen with an additional enhanced spring biased valve utilizing a valve spring associated with the valve stem as taught by Wohlfarth to further bias the valve against the seat in the closed position to further modify the pressure relief valve system of Chen as suggested by Wohlfarth to further enhance the suspension system in order to produce different rates of shock absorbing compression to enhance riding comfort, safety, and riding stability as suggested by Wohlfarth '435.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Becker et al '136, Wohlfarth '788, Kawahara '099, Browning '009 and '653, Turner '344 and '987 and Bell '509 show various suspension systems.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.Y.

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